

# **EXHIBIT 6**

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION  
CAUSE NO. EP08CA0215

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NEMESIO CASTRO,  
on behalf of himself and all others  
similarly situated,  
Plaintiff,

V.

COLLECTO, INC., doing business as  
COLLECTION COMPANY OF AMERICA  
and US ASSET MANAGEMENT, INC.,  
Defendants.

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DEPOSITION OF  
CANDICE O'BRIEN  
May 26, 2009  
2:00 p.m.

Holiday Inn  
929 Hingham Street  
Hingham, Massachusetts  
Rosemary F. Grogan, RPR, CLNR, CSR No. 112993

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2 WITNESS: CANDICE O'BRIEN  
3 EXAMINATION PAGE NO.  
4 By Ms. Combs 4

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6 INDEX TO EXHIBITS  
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1 APPEARANCES OF COUNSEL  
2 On Behalf of the Plaintiff:  
3 EDELMAN, COMBS, LATTURNER & GOODWIN, LLC  
4 BY: CATHLEEN M. COMBS, ESQUIRE  
5 120 South LaSalle Street, 18th Floor  
6 Chicago, IL 60603  
7 312-739-4200  
8 ccombs@edcombs.com  
9

10 On Behalf of the Defendants:

11 BUSH & RAMIREZ L.L.C.  
12 BY: KEITH WIER, ESQUIRE  
13 24 Greenway Plaza, Suite 1700  
14 Houston, TX 77046-2417  
15 713-626-1555  
16 kwier@bushramirez.com  
17  
18  
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1 CANDICE O'BRIEN, having been  
2 satisfactorily identified by the production of a  
3 driver's license, and duly sworn by the Notary Public,  
4 was examined and testified as follows:  
5

6 EXAMINATION  
7 BY MS. COMBS:

8 Q. Could you state your name for the record?  
9 A. Candice O'Brien.

10 Q. Hi.

11 Where are you employed?

12 A. CCA.

13 Q. And that is Collection Company of America,  
14 correct?

15 A. Yes.

16 Q. And what is your title?

17 A. My current title is senior vice president of  
18 business development.

19 Q. And how long have you had that title?

20 A. Since April 1st.

21 Q. And what was your prior title?

22 A. Vice president of operations.

23 Q. How long did you hold that position?

24 A. Oh, gosh. I would say seven years.

<p style="text-align: right;">Page 5</p> <p>1 Q. Prior to that, where were you employed?</p> <p>2 A. Same company.</p> <p>3 Q. Okay. And what was your title?</p> <p>4 A. Regional vice president of operations.</p> <p>5 Q. And how long did you hold that position?</p> <p>6 A. Three years.</p> <p>7 Q. Prior to that, where were you employed?</p> <p>8 A. Same company.</p> <p>9 Q. And what was your title?</p> <p>10 A. Collection manager.</p> <p>11 Q. How long did you hold that position?</p> <p>12 A. I'd say about a year.</p> <p>13 Q. Prior to that, where were you employed?</p> <p>14 A. Same company.</p> <p>15 Q. Okay. What was your position?</p> <p>16 A. Assistant collection manager.</p> <p>17 Q. How long did you hold that position?</p> <p>18 A. About two years.</p> <p>19 Q. Prior to that, where were you employed?</p> <p>20 A. Same company.</p> <p>21 Q. Position?</p> <p>22 A. Collector.</p> <p>23 Q. And how long were you a collector?</p> <p>24 A. Year and a half, maybe.</p>	<p style="text-align: right;">Page 7</p> <p>1 guardrail or light post, or if they hit trees, Barlett</p> <p>2 Consolidated was a company that would go out and repair</p> <p>3 those damages that are owned by either the town, city,</p> <p>4 or state.</p> <p>5 Q. And you then would be reimbursed by the</p> <p>6 insurance company?</p> <p>7 A. Yes.</p> <p>8 Q. And how long were you at Barlett?</p> <p>9 A. Oh, gosh. I'm going to say approximately four</p> <p>10 years. It was a while back.</p> <p>11 Q. Did you have the same position the whole time?</p> <p>12 A. Yes.</p> <p>13 Q. Prior to Barlett, where were you employed?</p> <p>14 A. I'm sure I don't remember. Probably a</p> <p>15 supermarket somewhere.</p> <p>16 Q. Do you have a college degree?</p> <p>17 A. I do.</p> <p>18 Q. And when did you get that?</p> <p>19 A. 1999.</p> <p>20 Q. And where were you employed when you got the</p> <p>21 college degree?</p> <p>22 A. CCA.</p> <p>23 Q. Oh, okay.</p> <p>24 And where did you get your college</p>
<p style="text-align: right;">Page 6</p> <p>1 Q. And prior to that, where were you employed?</p> <p>2 A. IGS.</p> <p>3 Q. And what is IGS?</p> <p>4 A. International Government Systems.</p> <p>5 Q. And what is the nature of the business of</p> <p>6 International Government Systems?</p> <p>7 A. They are a reseller of computer equipment.</p> <p>8 Q. And what was your position?</p> <p>9 A. Sales.</p> <p>10 Q. How long did you hold that position?</p> <p>11 A. A year; less than a year.</p> <p>12 Q. Prior to that, where were you employed?</p> <p>13 A. Barlett Consolidated.</p> <p>14 Q. What is the business of Barlett Consolidated?</p> <p>15 A. They fix roadway -- anything that's damaged on</p> <p>16 a roadway from an auto accident.</p> <p>17 Q. And what was your position at Barlett?</p> <p>18 A. I'm not sure I can remember the title. I was</p> <p>19 just an associate. I negotiated claims between Barlett</p> <p>20 Consolidated and the insurance company -- insurance</p> <p>21 companies.</p> <p>22 Q. So if someone in an automobile accident was</p> <p>23 insured --</p> <p>24 A. If they had gone off the roadway and hit a</p>	<p style="text-align: right;">Page 8</p> <p>1 degree?</p> <p>2 A. University of Phoenix.</p> <p>3 Q. In what area of study?</p> <p>4 A. MBA.</p> <p>5 Q. And do you have an undergraduate degree?</p> <p>6 A. I did.</p> <p>7 Q. What was that?</p> <p>8 A. That was a bachelor's in business.</p> <p>9 Q. From what institution?</p> <p>10 A. University of Phoenix as well.</p> <p>11 Q. What year did you get that degree?</p> <p>12 A. 1997 approximately.</p> <p>13 Q. And when did you graduate from high school?</p> <p>14 A. I graduated from Plymouth-Carver High School</p> <p>15 in 1987.</p> <p>16 Q. And after you left high school, where were you</p> <p>17 working?</p> <p>18 A. After I left high school, where was I working?</p> <p>19 It was actually Angelo's Supermarket way back when.</p> <p>20 Q. Let me ask you this:</p> <p>21 At any time prior to your employment at</p> <p>22 Barlett Consolidated --</p> <p>23 A. Yes.</p> <p>24 Q. -- did you have any jobs that involved</p>

1 collections?

2 A. No.

3 Q. All right. Let's then focus on your  
4 employment with CCA.

5 A. Very good.

6 Q. Could you generally describe your duties as a  
7 collector?

8 A. Sure. As a collector, we would be assigned a  
9 route, and in that route would be different accounts  
10 that we would have to collect on. And accounts would  
11 move in and out of that route, depending on if the  
12 account paid, if the account settled, if the client  
13 recalled the account.

14 But my job primarily was just to make  
15 outbound calls, as well as take inbound calls from  
16 customers, and to assist them in trying to resolve their  
17 debt.

18 Q. And what year did you first begin working at  
19 CCA?

20 A. 1994.

21 Q. And when you became assistant collection  
22 manager, what were your responsibilities in that  
23 position?

24 A. As assistant collection manager, you had a

1 team of about -- anywhere between 7 and 12 collectors  
2 that would report up to you, and your job was to make  
3 sure they comply with all federal and state laws, to  
4 cross any calls that might be -- that might require  
5 additional assistance. If there's any complaint calls,  
6 you would handle that; make sure the customer received  
7 the highest level of service we could give them.

8 Q. Now, when you're talking about "customer,"  
9 you're talking about the owner of the debt?

10 A. Yes.

11 Q. And any other general responsibilities as  
12 assistant collector?

13 A. Yeah, as assistant collection manager, you  
14 would make sure that, you know, collectors were there on  
15 time; that they made their appropriate number of calls.  
16 We would track the monthly goal, client results, make  
17 sure that everyone was on track.

18 Q. And what would your responsibilities as  
19 collection manager be?

20 A. Collection manager, you would -- well, back  
21 then, I probably had one or two assistant managers that  
22 would report up to me. And it was making sure the  
23 assistant manager, as well as the collectors, were  
24 complying within state and federal guidelines; any

1 requirements that the client might have, cross-calls,  
2 you know, any complaint.

3 Q. Okay. What were your responsibilities as  
4 regional vice president of operations?

5 A. As regional vice president of operation, I had  
6 relocated to the Denver, Colorado office, and I oversaw  
7 the California office, the Denver office, and the Texas  
8 office.

9 Q. And generally, can you describe your duties in  
10 overseeing those three offices?

11 A. Making sure all offices complied within state  
12 and federal regulations as well as client requirements;  
13 making sure that call operations were running  
14 efficiently; making sure that staffing -- and all client  
15 files were staffed correctly; managed correctly.

16 Q. And --

17 A. Handle site visits if the client came on to  
18 the site.

19 Q. What do you mean "site visit with the client"?  
20 You went and actually visited the owners of the debt,  
21 their businesses?

22 A. I would do that as well, but what I was  
23 speaking about was, if our client actually came to our  
24 office to meet the team.

1 Q. All right. What were your responsibilities --  
2 oh, that was your most --

3 A. No, that regional vice president.

4 Q. Your responsibility as vice president of  
5 operations?

6 A. As vice president of operations, I had two  
7 regional vice presidents underneath me, east and west,  
8 and we would make sure that their offices met all client  
9 requirements, complied with all laws, followed policies  
10 and procedures. I would attend outside collection  
11 agency meetings. We would go to some conferences within  
12 the industry.

13 Q. And currently what are your responsibilities  
14 as senior vice president of business development?

15 A. My job right now is to help develop the  
16 business by expanding existing clients, as well as  
17 signing new clients on board. So the new business  
18 development team, the sales and marketing team reports  
19 up to me.

20 We're in charge of growing the business.

21 Q. All right. Who do you report to?

22 A. Paul Leary, Junior, our CEO.

23 Q. When you were vice president of operations,  
24 who did you report to?

1 A. Paul Leary, Junior.  
 2 Q. And I want to focus on your position as vice  
 3 president of operations.  
 4 A. Okay.  
 5 Q. Who reported to you in the years, 2007 to  
 6 2008, when you were acting as vice president of  
 7 operations?  
 8 A. Kevin Bennick and Doug Carruthers.  
 9 Q. Can you spell Kevin's last name?  
 10 A. B-E-N-N-I-C-K.  
 11 Q. And Mr. Carruthers?  
 12 A. C-A-R-R-U-T-H-E-R-S.  
 13 Q. What's his first name?  
 14 A. Douglas.  
 15 Q. And generally, what was Mr. Bennick  
 16 responsible for?  
 17 A. Kevin was responsible for the west, so Dallas  
 18 and Denver.  
 19 Q. And Douglas Carruthers?  
 20 A. Kevin actually took over for Doug. Doug was  
 21 doing the west, and then Steve Masters was doing the  
 22 east.  
 23 So Steve did the Norwell and the Chicago  
 24 office.

1 Q. Okay. Were they then regional vice presidents  
 2 of operations?  
 3 A. They were.  
 4 Q. Okay. In your position as vice president of  
 5 operations, did you work with John Burns?  
 6 A. Yes.  
 7 Q. What was your relationship with John Burns?  
 8 A. He worked in our Compliance Department, Risk  
 9 Management Department.  
 10 Q. And again, as vice president of operations,  
 11 what day-to-day contact would you have with John Burns?  
 12 A. I don't know that I would have day-to-day  
 13 contact with him.  
 14 Q. What kind of contact, work relations contact,  
 15 would you have with him?  
 16 A. Any type of a complaint would go up through  
 17 his department.  
 18 Q. When you were vice president of operations,  
 19 did you have any involvement with US Asset Management,  
 20 Inc.?  
 21 A. Yes.  
 22 Q. What was your involvement?  
 23 A. US Asset Management placed accounts with CCA  
 24 for collections.

1 Q. And who represented US Asset Management, Inc.  
 2 in connection with the placement of accounts for  
 3 collection?  
 4 A. John Burns.  
 5 Q. Okay. And in connection with the placing of  
 6 accounts for collection by US Asset Management, what was  
 7 your role?  
 8 A. What was my role in collecting the accounts  
 9 or?  
 10 Q. No, I mean generally, if you had a role in  
 11 collecting accounts, yes. If you had any negotiation  
 12 about collecting accounts or any kind of involvement in  
 13 the practices or procedures of collecting the accounts.  
 14 A. Okay. US Asset Management would place the  
 15 accounts with CCA, and then my role would be to decide  
 16 which offices would collect on those accounts, how we  
 17 were going to go about collecting those accounts,  
 18 tracking the collections, working with the training team  
 19 to make sure the collectors were trained, that there was  
 20 no violation of laws, making sure goals were hit, staff  
 21 was on board.  
 22 Q. When did CCA first begin collecting accounts  
 23 for US Asset Management?  
 24 A. I think it was 2006; approximately 2006.

1 Q. I'm going to hand you what's been marked as  
 2 Deposition Exhibit No. 1, which is the complaint in this  
 3 case.  
 4 Have you ever seen that document before?  
 5 A. I have not.  
 6 Q. Oh, you haven't?  
 7 A. No.  
 8 Q. Well, could you look at Exhibit A and B, which  
 9 are the last four pages of Exhibit 1?  
 10 Do you recognize the form of that  
 11 document?  
 12 A. This is a collection letter, yeah.  
 13 Q. And what involvement, if at all, did you have  
 14 in the drafting of Exhibit A?  
 15 A. I submitted this document to compliance for  
 16 approval and review.  
 17 Q. When was that?  
 18 A. I'm sure I don't remember. I would guess  
 19 maybe late 2007. I don't remember. It was a long time  
 20 ago.  
 21 Q. And did you actually draft it?  
 22 A. I don't know who actually drafted it. I think  
 23 it was really a lot of different input that came into  
 24 the drafting of the letter.

1 Q. What kinds of employees would have had input  
2 into the drafting of Exhibit A to Exhibit 1?  
3 A. I would say myself and the collection  
4 managers.  
5 Q. And in connection with submitting this  
6 document to compliance, did you submit any other  
7 information about how the document would be used other  
8 than what the document looks like?  
9 A. No, if I understand that question correctly.  
10 Q. Did you speak with anyone in compliance about  
11 Exhibit A?  
12 MR. WIER: Object to form.  
13 A. Yeah, I don't understand what you mean.  
14 MR. WIER: Time frame? You mean back at the  
15 time?  
16 MS. COMBS: Back at the time this was referred  
17 to compliance for compliance review.  
18 BY MS. COMBS:  
19 Q. Did you speak to anyone in compliance about  
20 Exhibit A?  
21 A. Sure, I would have said to compliance -- I  
22 don't remember exactly, but I would have said to them,  
23 "here's a letter. Can you approve this?"  
24 Q. And do you recall who you would have spoken

1 to?  
2 A. It was probably Susan Giordano.  
3 Q. And do you recall what you told her about how  
4 this document was going to be used, if anything?  
5 A. No, we would have just submitted it and said,  
6 "here's a letter for review. Could you let us know if  
7 it was approved?"  
8 Q. Did you tell her under what circumstances this  
9 letter would be sent to debtors?  
10 A. Not that I recall.  
11 Q. What was your intention -- strike that. In  
12 what manner would -- let me start all over.  
13 How was it your intention that a  
14 collector use this document in connection with the  
15 collection of a debt?  
16 A. US Asset Management had authorized us to place  
17 accounts with attorneys -- qualifying accounts with  
18 attorneys. So this letter was part of a process to  
19 inform the customers, the debtors, that they may qualify  
20 for legal action.  
21 Q. Was this form document used in connection with  
22 any other creditor or owner?  
23 A. I don't believe so.  
24 Q. Did anyone from US Asset Management

1 participate in the drafting of the document?  
2 A. I don't believe so.  
3 Q. Okay. Do you recall when this document was  
4 first used?  
5 A. I don't. I think it was late 2007, but I  
6 don't remember.  
7 Q. And do you recall what type of debt US Asset  
8 Management had referred to CCA for collection using  
9 Exhibit A?  
10 A. They didn't refer any accounts using Exhibit  
11 A. They just placed accounts with us for collections,  
12 and then based on balances and other criteria, they may  
13 or may not qualify to be reviewed by the  
14 Legal-Forwarding Department.  
15 Q. Okay. You had testified that US Asset  
16 authorized the placing of accounts with attorneys.  
17 Were these particular types of debts?  
18 A. Yes, they were Sprint accounts.  
19 Q. Did US Asset Management place any other types  
20 of debt with CCA and give authority for collection for  
21 placement with attorneys?  
22 A. They did not.  
23 Q. So this Exhibit A was only used in connection  
24 with collection of Sprint debt?

1 A. That's the only time I believe this letter was  
2 used, yes.  
3 Q. Okay. Did you speak with John Burns in  
4 connection with gaining the authorization to place these  
5 US Asset Sprint accounts with attorneys?  
6 A. No, not that I -- I don't think I'm -- are you  
7 asking me if I would go to John Burns, and ask him, "can  
8 I sue this account?"  
9 Q. I'm asking, how was the process set up by  
10 which you received authorization from US Asset  
11 Management to refer the Sprint accounts to attorneys for  
12 collection?  
13 A. US Asset Management would place the accounts  
14 with CCA. CCA would go through a collection process  
15 where we would send out letters, and it would be an  
16 initial notice with all the debtor's rights, trying to  
17 get them to resolve the account. We would make outbound  
18 calls and we would receive inbound calls.  
19 We would do a lot of skip tracing on the  
20 accounts because a lot of the accounts, you couldn't  
21 actually contact the customer. So we would try to skip  
22 trace the accounts, to locate the person responsible for  
23 the debt, and then depending on balance size, accounts  
24 may qualify to be reviewed by our Legal-Forwarding



1 Department, as well as other things; not just balance  
2 size, but other things as well.

3 Q. Is there someone out there to collect from?

4 A. Yeah. Can you contact the person? Does the  
5 person have assets? Yes or no? Again, if the balance  
6 size warrant us looking into it further.

7 Q. Do you recall with respect to the Sprint debt,  
8 what balance size was large enough for it to be sent to  
9 a collection agency?

10 A. I think it was approximately \$400; between 3  
11 and \$400.

12 Q. Let me rephrase it.

13 Was 3 to \$400 the balance size before you  
14 referred it to an attorney for collection?

15 A. No, the balance size of 3 to \$400 would be the  
16 balance size that would be required in order for the  
17 Collections Department to forward an account to the  
18 Legal-Forwarding Department.

19 Q. Okay.

20 A. Then the Legal-Forwarding Department would  
21 review the account, and determine if they felt they  
22 should forward it to an attorney, and then the attorney  
23 would actually make the decision on whether to place it  
24 legally, to take legal action on it.

1 Q. Okay. When, in this process, was Exhibit A  
2 sent to the debtor?

3 A. This, you would have had your initial notice  
4 with all the debtor's rights sent out. You would have  
5 had outbound calls made, if we had any telephone numbers  
6 available. You probably would have had a second notice  
7 sent on the accounts in a second attempt to collect the  
8 account; more calls would have been made.

9 During this time frame, skip tracing  
10 would continue to happen in an attempt to try to get  
11 secondary or other possible telephone numbers to reach  
12 the consumer. And once the collection team felt like  
13 they had exhausted their efforts both by letters and  
14 phone calls, then at that point this letter would be  
15 sent out.

16 Q. Okay. Who would determine whether to send  
17 Exhibit A? What kind of employee?

18 A. Collection managers or higher.

19 Q. Okay. You've mentioned several times the  
20 "Legal-Forwarding Department."

21 Could you describe what is the  
22 "Legal-Forwarding Department"?

23 A. The department that has direct contact with  
24 attorneys in different states. The collection team

1 might believe an account should qualify for legal  
2 action. They sent it to Legal-Forwarding Department,  
3 and Legal-Forwarding Department will actually make the  
4 decision on whether to have an attorney review the file  
5 or not.

6 Q. And what factors does the Legal-Forwarding  
7 Department consider in determining whether or not to  
8 forward an account to an attorney for collection?

9 A. I think it begins with balance. Are there any  
10 assets available? What state is the account located in?  
11 The type of account, I guess.

12 They would look at a lot of different  
13 factors before they make a decision.

14 Q. Would every account where the debtor was sent  
15 an Exhibit A or a document in the form of Exhibit A?

16 A. Okay.

17 Q. Would every one of those accounts be referred  
18 to collections?

19 A. They're already past collections. What do you  
20 mean?

21 Q. Strike that and let me start over.

22 Would every debtor, who received Exhibit  
23 A, have his account referred to an attorney for  
24 collection or legal -- litigation?

1 A. No, this would indicate that the account --  
2 that the Legal-Forwarding Department would review the  
3 account.

4 Q. Okay. I'm going to ask you to look at Exhibit  
5 B to Exhibit 1.

6 Do you recognize the form of this  
7 document?

8 A. Yes.

9 Q. And were you involved in the drafting process  
10 of Exhibit B; the form of that document?

11 A. No, I was not.

12 Q. Do you know when CCA first started using a  
13 document of the form of Exhibit B?

14 A. I don't.

15 Q. Do you know under what circumstances would  
16 Exhibit B be sent to a collector? And I'm really  
17 focusing on between 2007 and 2008.

18 A. Okay. This would be sent if someone on the  
19 collection team or Legal-Forwarding team had received  
20 information that the consumer had assets in their name.  
21 And that can be done through the tax assessor's office,  
22 sometimes credit bureau data or other vendors that  
23 provide this information.

24 Q. And was this document, the form of Exhibit B,

1 used to collect debts other than the Sprint debts from  
 2 US Asset Management, Inc.?  
 3 A. I believe it was.  
 4 Q. And do you recall whether or not Exhibit B was  
 5 used when you first began working at CCA?  
 6 A. I don't know if it was used when I first began  
 7 working, but I remember -- I don't know if it's this  
 8 exact letter, but a letter kind of like this being used  
 9 by different clients on different types of debt.  
 10 Q. So it was used prior to the relationship  
 11 between CCA and US Asset Management?  
 12 A. I believe so, mm-hmm.  
 13 Q. Do you recall when CCA first began  
 14 collecting --  
 15 A. Just to make sure, I don't know if it was this  
 16 identical letter. I'm sorry?  
 17 Q. Okay. So to get back to your last question,  
 18 is it fair to say the letter you're referring to, was an  
 19 asset review type of letter; may have somehow differed  
 20 from Exhibit B?  
 21 A. Yes, we have verified assets in your name  
 22 including ownership of property. That letter has been  
 23 around and approved by a lot of different clients  
 24 throughout the years. I remember this back when I was

1 assistant manager.  
 2 Q. Okay. And --  
 3 A. I don't know if I remember the exact title on  
 4 it. I think it said, "asset review," but the verbiage  
 5 is very similar.  
 6 Q. Did someone from US Asset Management approve  
 7 the sending of Exhibit B in connection with the  
 8 collection of Sprint PCS debts?  
 9 A. No, US Asset Management places the accounts  
 10 with CCA and CCA determines what letters are sent on the  
 11 account.  
 12 Q. So I'm going to ask the same question about  
 13 Exhibit A.  
 14 Did anyone from US Asset Management  
 15 approve the sending of Exhibit A in connection with  
 16 collection on Sprint PCS debt owned by US Asset  
 17 Management?  
 18 A. I did not receive approval from anyone at US  
 19 Asset Management. I don't know if the Compliance  
 20 Department showed this to anyone over there. I don't  
 21 know.  
 22 And I guess that would be the same thing  
 23 for Exhibit B. I did not bring it to US Asset  
 24 Management for approval or anyone on my team did not

1 bring it, but compliance might have.  
 2 Q. Now, I just want to get a clarification here.  
 3 You said that both Legal Forwarding and  
 4 Collection would use Exhibit B, correct?  
 5 A. Exhibit B would be used, yes, by both  
 6 departments.  
 7 Q. So whenever someone from either department saw  
 8 that there was an asset out there connected with the  
 9 debt, then this letter would be sent?  
 10 A. Not 100 percent, but it could be.  
 11 Q. Okay. Let's go back to the question of the  
 12 placement by US Asset Management, Inc. in connection  
 13 with the Sprint PCS debts.  
 14 What information did CCA receive from US  
 15 Asset Management about the portfolio that contained the  
 16 Sprint PCS debt?  
 17 A. I'm not sure what you mean. What placement --  
 18 what information we received on the placement?  
 19 Q. Yes.  
 20 A. They told us the type of debt. I mean they  
 21 didn't really tell us a lot about --  
 22 Q. Did they tell you about the size of the debt?  
 23 A. Yes, average balance on the account, yes.  
 24 Q. And how about the age of the debt?

1 A. Yes, that the accounts were approximately  
 2 within 18 months to 2 years of being written off.  
 3 Q. Any other information?  
 4 A. Not that I remember.  
 5 Q. Does the type of debt affect the collection  
 6 procedures used by CCA in connection with the collection  
 7 of a portfolio?  
 8 A. Does the type of debt impact the strategy that  
 9 we use to collect --  
 10 Q. Correct?  
 11 A. -- a portfolio?  
 12 I don't think so.  
 13 Q. Does the size of the debt impact the  
 14 collection activity that --  
 15 A. I mean the type of debt does impact the  
 16 strategy on the portfolio because you have medical  
 17 accounts, you're going to have to follow HIPPA laws.  
 18 And, you know, if you have education loans, someone that  
 19 might go -- you got tuition and education, so they have  
 20 their own set of laws, whether it's a loan or tuition,  
 21 and the time you have to keep the debt and transfer  
 22 back.  
 23 So I guess the type of debt impacts the  
 24 collection strategy.



1 Q. Okay. Specifically, you mentioned education  
2 loans. Is there any -- strike that.  
3 Specifically, with respect to education  
4 loans, how would the fact that a loan is an education  
5 loan affect the collection activities undertaken by CCA?  
6 A. Whether it's a loan or whether it's a tuition  
7 account?  
8 Q. Okay. How would that affect it?  
9 A. Just whatever is required by the law or by the  
10 client placing the account.  
11 Q. And what do you mean by "required by the law,"  
12 specifically with respect to the collection?  
13 A. Education debt is not my area of expertise.  
14 It's handled by people below me. But I know there's  
15 something in place where certain type of a loan, you can  
16 only keep it for one year, and then it has to go back to  
17 the client.  
18 But we have experts in that that would be  
19 able to tell you more about how we collect on that debt.  
20 Q. All right. I don't want to belabor this, but  
21 what kind of employee is an expert in the education  
22 loans?  
23 A. Lynn Loring.  
24 Q. And do you know --

1 A. Patty Justice, Judy Commesso, Brittany Leary.  
2 There are a lot of people that are experts on the  
3 education side of the house.  
4 Q. And you said that certain types of loans, the  
5 collector can keep them only one year.  
6 Do you understand what that --  
7 A. This is not my area of expertise. You know,  
8 the accounts come in, and this team will determine what  
9 has to be done with the accounts to make sure we meet  
10 all requirements.  
11 Q. Okay. Does the size of the debt impact the  
12 collection mechanisms used by CCA in connection with the  
13 debt?  
14 A. Mm-hmm. Yes.  
15 Q. And how does it do that?  
16 A. Well, if it's a small balance account less  
17 than \$5, they're not going to go after the collections  
18 on it. In some cases, balances less than \$25; the  
19 client placing the accounts will help to determine.  
20 Q. Okay. Who has the conversations with the  
21 client about which debts are going to be collected, if  
22 the amount -- the size of the debt varies?  
23 A. There's multiple people within the company.  
24 Usually the conversations probably begin with the

1 salesperson in charge of that account, and then from  
2 there, it would be client service people.  
3 Q. Who are the "client service people;" part of  
4 the sales department?  
5 A. No, they're a team that handles questions that  
6 the customer might have or that the client might have.  
7 Q. Is that part of the Operations Department?  
8 A. It was back then, mm-hmm.  
9 Q. And who was in charge of that department?  
10 A. Paula Barron.  
11 Q. Can you spell the last name?  
12 A. B-A-R-R-O-N. Patty Justice was also part of  
13 that department.  
14 Q. Does the age of the debt affect the collection  
15 activity that takes place by CCA in connection with the  
16 debt?  
17 A. It does.  
18 Q. And how is that?  
19 A. Sometimes we're contracted to work on accounts  
20 that are very early age. So it's a little bit of a  
21 softer collection approach or even collecting on behalf  
22 of the client.  
23 Q. And what do you mean by "early age"?  
24 A. Not written off yet; prewrite-off.

1 Q. With respect to debts that have been written  
2 off?  
3 A. Mm-hmm.  
4 Q. Does the age of the debt affect the collection  
5 mechanism?  
6 A. Not really, no.  
7 Q. Are you familiar with the -- let me ask you  
8 another question.  
9 Do you recall who the salesperson was  
10 with respect to the Sprint PCS debts collected on behalf  
11 of US Asset Management?  
12 A. There's not a salesperson on this.  
13 Q. Is that because John Burns --  
14 A. Yes.  
15 Q. -- was the contact?  
16 A. Yes.  
17 Q. And do you recall whether you had any  
18 conversations with John Burns about how the Sprint PCS  
19 debts would be handled on behalf of US Asset Management?  
20 A. I don't believe I've had any direct  
21 conversations with him. In the past, we have had  
22 executive meetings that would take place Tuesday  
23 mornings, and in that meeting, I would probably get  
24 updates or strategy or results for US Asset Management.

1 I think it would just be general updates.

2 Q. Were any minutes kept of these executive  
3 meetings?

4 A. I did not keep the minutes.

5 Q. Have you ever seen minutes?

6 A. If there are any minutes, it would have been  
7 Ginny Berry that would have kept them.

8 Q. Do you recall seeing any?

9 A. No.

10 Q. Are you familiar with the concept of a Statute  
11 of Limitations clause?

12 A. Yes.

13 Q. What impact, if any, does the Statute of  
14 Limitations of a debt have on the collection activities  
15 undertaken by CCA?

16 MR. WIER: I'm going to object to form, but  
17 you may answer.

18 A. The debt we receive from our clients -- I'm  
19 not aware of any debt that we have that's out of the  
20 Statute of Limitations when we receive it.

21 Q. Is there any mechanism for conveying to the  
22 collector what the Statute of Limitations is on a  
23 particular debt?

24 A. No, CCA would not typically work accounts that

1 would be out of the Statute of Limitations.

2 Q. If you had a debt that was two years since  
3 charge off, did you have a mechanism for stopping  
4 collecting when the debt got close to a Statute of  
5 Limitations?

6 MR. WIER: Object to form. You may answer.

7 A. No, because if an account owes beyond the  
8 Statute of Limitations, we can still attempt collections  
9 on it.

10 Q. I agree.

11 My only question is: Was there any  
12 determinations at all in the process of what the Statue  
13 of Limitations is for a particular debt? And I'm  
14 talking about between 2007 and 2008, and generally your  
15 practices.

16 A. The collection team, if they felt an account  
17 could qualify for legal action, would forward it to the  
18 Legal-Forwarding Department. Then that team would  
19 assess whether they felt it actually could be placed  
20 with an attorney.

21 So I guess the Legal-Forwarding team  
22 would assess the Statute of Limitations. The final  
23 decision on whether it is in statute or out of statute,  
24 I would think, would be made by the attorney.

1 Q. So is it fair to say that the collection team  
2 prior to Legal-Forwarding, would not consider the  
3 question of Statute of Limitations at all?

4 MR. WIER: Objection to form.

5 A. I would have to check with the collection  
6 managers, you know, "has the Legal-Forwarding Department  
7 communicated back to the collections team, don't forward  
8 accounts past X? They may have; I don't recall.

9 Q. Do you recall when you were in that position  
10 getting any directions about Statute of Limitations?

11 A. No.

12 Q. And --

13 A. The first I received was this lawsuit that  
14 came up.

15 Q. So the first time that the question of Statute  
16 of Limitations was raised in connection with any of your  
17 positions at CCA, was when the Castro lawsuit was filed?

18 A. For this particular account, yes.

19 Q. And do you recall having any discussions with  
20 anyone about the Statute of Limitations on the Sprint  
21 PCS accounts prior to the filing of this lawsuit?

22 A. No.

23 Q. And are you familiar with the ACA Statute of  
24 Limitations publication?

1 A. I know there's one out there, yes.

2 Q. When is the first time you became aware of it?

3 A. Early on in my collection career, I was  
4 introduced to ACA. I don't remember exactly what year  
5 or when.

6 Q. Okay. Let me backtrack a little bit.

7 A. Okay.

8 Q. Are you a member of any professional  
9 organizations?

10 A. I am.

11 Q. Of what?

12 A. I'm actually a director of membership chair  
13 for NECA, which is a division of ACA.

14 Q. What is NECA?

15 A. New England Collectors Association.

16 Q. Okay.

17 A. Previously, I held a position at the  
18 University of Phoenix. It's not a professional  
19 organization.

20 Q. What was that position?

21 A. Lead faculty.

22 Q. Okay. And did you teach?

23 A. Part-time job. No, I just taught at night and  
24 on weekends.

1 Q. And what did you teach?  
 2 A. Different business courses.  
 3 Q. Anything involving collection?  
 4 A. No.  
 5 Q. Anything involving legal --  
 6 A. No.  
 7 Q. Anything about Statute of Limitations?  
 8 A. No.  
 9 Q. All right. Other than NECA, are you a member  
 10 of ACA?  
 11 A. NECA is part of ACA, but no, I do not hold any  
 12 positions associated with ACA, other than the one  
 13 through NECA.  
 14 Q. Have you attended any meetings or seminars  
 15 held by ACA?  
 16 A. I attended the NECA conference last year --  
 17 was it last year or the year before?  
 18 Q. And where was that conference held?  
 19 A. Connecticut, Mohegan Sun.  
 20 Q. Were there any discussions about Statute of  
 21 Limitations at that conference?  
 22 A. Not that I remember.  
 23 Q. Okay. Have you attended any other  
 24 conferences?

1 A. I do attend different conferences. I attend a  
 2 lot of the outside collection agency conferences.  
 3 Q. And what are those?  
 4 A. That's when a client will bring in their  
 5 agencies, to review performance and other key areas of  
 6 interest on behalf of the agencies.  
 7 Q. Have you ever had a discussion of Statute of  
 8 Limitations with any of the outside collection agency  
 9 meetings that you've attended?  
 10 A. Not that I remember. Most of the debt we  
 11 collected is pretty early on. It's been 6 to 12 months  
 12 of charge-offs, so no.  
 13 Q. Okay. Do you receive any publications in the  
 14 collection area?  
 15 A. Yes.  
 16 Q. What publications?  
 17 A. Gosh. Their actual names? The Collector  
 18 Magazine, I think is one. That's actually what it's  
 19 called, Collectors Magazine. I think there's another  
 20 one, Credit and collections, if I remember correctly.  
 21 I think that's it. There's probably  
 22 more.  
 23 Q. Do you receive emails regularly on  
 24 collections; training emails?

1 A. We do, yeah. Inside Arm will send an email.  
 2 I don't usually open them.  
 3 Q. All right. So I'll ask this question --  
 4 A. We do when we have time.  
 5 Q. -- whether you've ever reviewed any  
 6 information, email, or in the collection magazines or  
 7 circulars that you've received discussing Statute of  
 8 Limitations?  
 9 A. I have not read any of the articles regarding  
 10 Statute of Limitations, no.  
 11 Q. Prior to the filing of the Castro case, were  
 12 you aware that there was a Statute of Limitations under  
 13 the Federal Communications Act?  
 14 A. No, we refer to our Compliance Department for  
 15 all that type of information.  
 16 Q. So have you ever used the ACA Statute of  
 17 Limitations Manual in connection with any of your  
 18 positions?  
 19 A. Me, personally, no.  
 20 Q. Do you know if anyone that reports to you has  
 21 ever used the ACA Statute of Limitations Manual?  
 22 MR. WIER: Object to form, but she can answer.  
 23 A. I don't know if they have or have not.  
 24 Q. No one has reported it to you?

1 A. No.  
 2 Q. Is this available to you on the computer at  
 3 CCA?  
 4 A. Most managers, including myself, do have  
 5 access to Internet, so assuming it's on the Internet,  
 6 yes.  
 7 Q. But other than that, it's not part of your  
 8 compliance information or anything like that?  
 9 A. I don't know. It might be. I kind of defer  
 10 to Susan Giordano for all of that information.  
 11 Q. Okay. Do you have any experience in  
 12 communications or utility regulations?  
 13 A. No.  
 14 Q. Had you ever heard of the Federal  
 15 Communications Act before this Castro lawsuit was filed?  
 16 A. I'm sure I've heard of it, but I don't have  
 17 the details on it, no.  
 18 Q. Are you familiar with the collection lawyers  
 19 organization called NARCA?  
 20 A. Very limited.  
 21 Q. Have you ever attended any meetings?  
 22 A. No.  
 23 Q. Have you ever received any of their  
 24 information?

1 A. Just an invitation to their conference that  
2 they recently held, but other than that, not that I  
3 remember.

4 Q. When did you become aware of the Castro  
5 lawsuit?

6 A. I don't remember when I became aware of it. I  
7 was actually traveling last week, and this is the first  
8 time it's really been brought up to me. I know that  
9 we -- once it was filed, I know that all accounts were  
10 kind of put on hold; that no accounts were allowed to  
11 proceed any further.

12 And I don't remember the date of that.

13 Q. At the time that the lawsuit was filed and all  
14 accounts were put on hold, did you have any discussions  
15 with anyone about the lawsuit?

16 A. Have any discussions with anyone?

17 MR. WIER: You can identify who, but not the  
18 substance of your communication, if you recall  
19 anybody.

20 A. I received notice from Susan Giordano that  
21 this was filed, and then the accounts put on hold. I  
22 don't know if that's communication or not.

23 Q. That's communication.

24 Did you ever talk to John Burns about the

1 Did you review any documents in  
2 connection with your preparation for this deposition?

3 A. I received an email when I was -- I think I  
4 got it when I was traveling. I was traveling all last  
5 week.

6 So they sent me an email about today's  
7 deposition, asking me if I would be available, so yes.

8 Q. And that's it? That's the only document or  
9 discussion you've had prior to today about this  
10 deposition?

11 A. Well, conversation I had with --

12 MR. WIER: Don't tell her about what we talked  
13 about, but she looked at these letters, Exhibits A  
14 and B.

15 BY MS. COMBS:

16 Q. Okay.

17 A. Yeah, I haven't seen this.

18 Q. But you did see Exhibits A and B?

19 A. Yes.

20 Q. And did you look at Mr. Castro's records?

21 A. At lunch time, yes.

22 Q. Anything else?

23 A. No, this is what I had a chance to review.

24 Q. And other than Mr. Wier, did you talk to any

1 Castro case?

2 A. I have not, no.

3 Q. Did you ever talk to an attorney, other than  
4 counsel here?

5 A. I have not.

6 Q. -- about this lawsuit?

7 A. No.

8 Q. No; okay.

9 Did you ever talk to anyone else at CCA  
10 about the lawsuit?

11 A. Not that I recall, no.

12 Q. Do you know why they put a hold on the  
13 collection of the US Asset Management, Inc. Sprint  
14 accounts?

15 MR. WIER: I'm going to -- that's privilege.  
16 We're going to assert a privilege. Don't answer  
17 that.

18 THE WITNESS: Okay.

19 MS. COMBS: About what her knowledge is?

20 BY MS. COMBS:

21 Q. Are you going to follow your attorney's  
22 instructions?

23 A. Yes.

24 Q. Do you recall any -- strike that.

1 other attorneys?

2 A. I don't think we have another attorney, do we?  
3 I don't know, no.

4 Q. Okay.

5 (Short Recess)

6 BY MS. COMBS:

7 Q. I may have asked you this, and you can tell me  
8 if I have:

9 When did you first become aware of the  
10 Federal Communications Act Statute of Limitations?

11 A. I'm not sure, was my answer.

12 Q. Okay.

13 A. I've heard of it, but, you know...

14 Q. And you had no discussions with anyone about  
15 how that may impact the collection of debts?

16 A. Up until this case, no.

17 Q. How about after the case?

18 A. Yes, we were told to put the accounts on hold  
19 and not proceed further with any action. That the --  
20 after talking about the Statute of Limitations is two  
21 years versus what we were basing off of, which was, I  
22 believe, four.

23 Q. But just to get a clarification here, is it

24 fair to say that your testimony has been that until a

1 debt goes to the legal -- what do you call that  
2 department?

3 A. Legal-Forwarding.

4 Q. Legal-Forwarding, there's no consideration of  
5 the Statute of Limitations process?

6 MR. WIER: Object to form, but you can answer.

7 A. We don't collect on any debt that's -- the  
8 collector should not have anything that are out of  
9 Statute of Limitations.

10 Q. And what is the mechanism to make sure that  
11 that happens?

12 A. Upon placement of accounts within the FACS  
13 system, we look at the charge-off dates or the service  
14 dates on the accounts. And if there's anything that's  
15 over three years that could possibly be past the Statute  
16 of Limitations, then we probably wouldn't forward it  
17 through the same channels, but we haven't had to do  
18 that.

19 Q. Okay. Now, who does that review upon the  
20 placement of accounts of charge-off dates to make sure  
21 that nothing is over three years old?

22 A. Myself and my team.

23 Q. And again, between 2007 and 2008, can you  
24 recall ever having undertaken to collect on behalf of a

1 portfolio and determined that you have to treat that  
2 portfolio differently because the debts are more than  
3 three years old?

4 A. Not that I recall.

5 Q. Okay. And what do you look at in making a  
6 determination as to the age of the debt?

7 A. Charge-off date usually.

8 Q. Okay. I would like you to look at Exhibit 2.

9 Do you recognize the form of that  
10 document?

11 A. Yes, this is a screen printout of a FACS.

12 Q. And what is FACS?

13 A. Fully Automated Collection System. It is the  
14 Ontario collection system that we use. We call it FACS.  
15 F-A-C-S.

16 Q. Now, if you look at the first page of  
17 Exhibit 2 -- and this purports to be a screen printout  
18 of the account of Nemesio Castro, correct?

19 A. It appears to be, yes.

20 Q. Can you tell me what the charge-off date is on  
21 Mr. Castro's debt?

22 A. I will have to double-check. It says the list  
23 date with our company was January 7, 2007. So that's  
24 the date it was loaded into FACS. And then it says the

1 service date is February 2nd of 2005.

2 I have a lot of clients that place debt  
3 with CCA. So sometimes we'll receive the date service  
4 was established; other times you'll receive date of last  
5 payment; other times you'll receive a charge-off date.

6 I would think that that is the charge-off  
7 date, but I would want to double-check it because I deal  
8 with large number of clients.

9 Q. So the information in that field --

10 A. It's kind of blurred. I think it says --

11 Q. I think it's SRV?

12 A. Yes.

13 Q. The information -- what did you call it,  
14 service field?

15 A. SRV stands for service, and that's a hard  
16 coded field by FACS. You can't choose -- you can't  
17 change that, at least not that I'm aware of.

18 Q. But what will change is, depending on the  
19 client and the portfolio, what information is conveyed  
20 by that field, correct?

21 A. It could. I would have to research that.

22 Q. Okay. Do you remember having any discussions  
23 about the age of the Sprint debt on or around January of  
24 2007, when those debts were first loaded on the FACS

1 account or FACS machine?

2 A. I can't say I recall a particular  
3 conversation. I know about loading them, you know, we  
4 did assess that they were within the Statute of  
5 Limitations.

6 Q. Who made that assessment?

7 A. The Compliance Department is usually who we  
8 rely on.

9 Q. And do you have a discussion with the  
10 Compliance Department?

11 A. If there's any question, then there would be a  
12 discussion. I do not recall a discussion because these  
13 are within three years. So that's kind of our  
14 benchmark, that if it's over three years, then we  
15 would -- you know, a red flag would be raised, and I  
16 would go to Compliance and question it.

17 But I would not have questioned it.

18 Q. And who in Compliance would review the  
19 portfolio before it was loaded on to FACS with respect  
20 to the question of the age of the debt or the Statute of  
21 Limitations?

22 A. You're asking who in Compliance would review  
23 the accounts before they were loaded?

24 Q. That was what I understood you to say, but let



1 me rephrase it.

2 Who in Compliance would review the  
3 portfolio in connection with referring it to your  
4 collectors for collection with respect to the question  
5 of Statute of Limitations?

6 A. It would be Susan Giordano and her team, but I  
7 wouldn't have had a question on this because it's within  
8 three years.

9 Q. Okay. And what is your understanding of the  
10 process that Compliance goes through in determining what  
11 the Statute of Limitations is on the debts in a  
12 portfolio?

13 A. That's not my area, but how I understand the  
14 process -- are you asking me, how they get their  
15 information? I know they communicated with MAP  
16 attorneys. I know they use NECA. I know we have  
17 Michael Kraft.

18 I'm not sure if that answers your  
19 question at all.

20 Q. I need your help in interpreting this  
21 document.

22 A. I'll do my best.

23 Q. Okay. You know a lot more than any of the  
24 rest of us.

1 Do you know what GC stands for?

2 A. That's Guaranteed Contacts. Guaranteed  
3 Contacts is their Ontario dialer, which would attempt to  
4 reach Mr. Castro to get him to talk to a collector.

5 Q. Okay. And if you look on 2/15/07 on the first  
6 page of Exhibit 2, it says, "GC at 3:30 p.m. There was  
7 an unattended message" --

8 A. I'm sorry, where are you?

9 Q. GC?

10 A. Okay, mm-hmm.

11 Q. 2/15/07, 3:30 p.m., it says, "residence" and a  
12 phone number, and then it says, "unattended message."

13 What does that mean?

14 A. It means they attempted to reach him at that  
15 number, but he was not available.

16 Q. And then there's another entry for 2/15 that  
17 says, "2000 DLC letter series answering machine."

18 Do you know what that refers to?

19 A. It's just stating that the account is in  
20 disposition 2000, which is just the phase that it's in.

21 Q. And above that, there's an entry "JQC."

22 Do you know what that refers to?

23 A. That is, I think, Jackie Chandler's initials  
24 who works in the IT Department that the initial notice

1 with important rights has been sent.

2 MS. COMBS: Okay. Off the record.

3 (Off Record Discussion)

4 BY MS. COMBS:

5 Q. Okay. Can you look at page four?

6 MR. WIER: We're back on, right?

7 MS. COMBS: Oh, yes.

8 A. Okay.

9 Q. If you look at the first entry about five  
10 lines down, "MGR"?

11 A. Mm-hmm.

12 Q. And then it says, "MGR underscore REV changed  
13 DU77706 from," and then it says, "to 1"?

14 Do you know what that entry refers to?

15 A. The MGR notes are from a different dialer  
16 system that we use. It's called soundbite. It's a  
17 dialer vendor, actually. It's a little bit more  
18 advanced technology, at least they would argue that.  
19 I'm not sure we would agree. It's a little bit more of  
20 an advanced dialer to try to get better responses from  
21 the dials, from the calls.

22 But I don't know specifically what  
23 "DU77706 from blank to 1" means.

24 Q. Okay. If you could look at page eight?

1 A. Okay.

2 Q. And if you could go down to the date 2/2/08?

3 A. Mm-hmm.

4 Q. There's an entry "BEM"?

5 A. Mm-hmm.

6 Q. Do you know who that is?

7 A. I'm guessing here. I think that might be  
8 Brendan Malloy from the IT Department.

9 Q. And then it says, "no delinquency date.  
10 Cannot report."

11 What does that refer to?

12 A. I believe he ran a program that checked for a  
13 date within a field in order to update the credit  
14 report, and it appears that that field was empty. So  
15 that the account was not reported to the credit report,  
16 but I would want to verify that.

17 So I'm giving you my best guess, but I'm  
18 pretty sure that that's what that means.

19 Q. All right. But then look down to 5/8/08, it's  
20 got "CB."

21 What does "CB" refer to?

22 A. That is Chris Banks.

23 Q. And it says, "4000 begin legal collect."

24 What does that refer to?



1 A. That means that the phase 4000 is our  
2 Legal-Forwarding Department. The account is now being  
3 referred to that department, so they can look at it, to  
4 find out if they should, in fact, forward this to an  
5 attorney for collections.

6 So the account is now officially in  
7 review.

8 Q. If you look at Exhibit A to Exhibit 1, that  
9 shows a letter that was sent to Mr. Castro?

10 A. Okay.

11 Q. And I believe it's a 5/8 letter?

12 A. Letter No. 58, okay.

13 Q. And is there any entry that shows that  
14 transaction; that is that a letter was sent out?

15 Was that after 5/8/08?

16 A. It was. It was sent out on 5/14.

17 Q. And that's the entry, "JQC 5/14/08"?

18 A. That is correct.

19 Q. And then looking at "MGR 6/9/08, there's an  
20 entry that says, "3LG - attempted possible fax," and  
21 there's a number?

22 A. Mm-hmm.

23 Q. Do you know what that refers to?

24 A. That means that when the dialer dialed the

1 doesn't appear there was any payment made to CCA. It's  
2 saying original. It's saying current balance and  
3 they're the same, so no.

4 Q. And if there had been a payment made to US  
5 Asset, where would that show on Exhibit 2?

6 A. US Asset Management would forward that payment  
7 to us, and you would be able to see that. If you  
8 look -- see where it says, "list date"?

9 Q. Yes.

10 A. If you follow that over to the right.

11 Q. Yes.

12 A. You would see, "balance 794.35." Then above  
13 that, "original 794.35." You would see a discrepancy in  
14 the balances.

15 So there's been no payments made.

16 Q. Okay. I know you've been asked this before,  
17 but you're going to have to refresh my recollection:

18 When the Sprint PCS debts were referred  
19 by US Asset Management to CCA, was there conveyance of  
20 the information as to the age of those debts?

21 A. Yes, I believe they were between 18 months and  
22 2 years.

23 Q. And how was that information conveyed?

24 A. I assume I would have asked. I always ask the

1 number, that they received a fax tone.

2 Q. And then the next one, "P2I", do you know what  
3 initials those are?

4 A. I do not. It appears that the customer called  
5 into our office because it's saying "DTO," debtor  
6 telephoned office.

7 Q. Okay. So from Exhibit 2, does anything in  
8 Exhibit 2 tell you what was the charge-off date for  
9 Mr. Castro's debt?

10 A. I believe it is February 2nd of 2005.

11 Q. And that's the SRV entry?

12 A. Yes, I would like to verify that.

13 Q. Can you tell from Exhibit 2, what the purchase  
14 date of this debt was?

15 A. No, you cannot. The purchase date does not  
16 show on these accounts because that transaction would  
17 be -- that would be US Asset Management's transaction.

18 So that information would be before CCA  
19 got involved in the account. The accounts are placed  
20 with CCA. So CCA would not have the US Asset Management  
21 purchase date.

22 Q. And what about the date of last payment, is  
23 there any information on Exhibit 2 about that?

24 A. I do not see a date of last payment. It

1 same things. What's the fee rate? How old is it? The  
2 type of debt. Those are just standard questions.

3 I don't remember who I asked it of or  
4 when it was asked, but those are just standard questions  
5 that I would have asked.

6 Q. Okay. Were you aware as to what types of  
7 debts were being collected in the portfolio?

8 A. Yes.

9 Q. What information did you have?

10 A. It's wireless debt.

11 Q. Pardon?

12 A. Cellular telephone, wireless accounts.

13 Q. Is the collector aware that these are cellular  
14 phone debts?

15 A. Yes.

16 Q. How is that information conveyed to them?

17 A. In a training seminar.

18 Q. And do you have a training seminar for the  
19 collectors with respect to each portfolio?

20 A. Yes, every collector is informed about the  
21 type of debt, you know.

22 Q. And whose responsibility -- just the level or  
23 the description of the job title, whose responsibility  
24 is it to convey that information to the collectors?

1 A. Collection managers.  
 2 Q. And who conveyed that information to the  
 3 collection managers?  
 4 A. Usually me.  
 5 Q. Okay.  
 6 A. I mean it could come from me through Steve and  
 7 Kevin to the next level, is probably more the correct  
 8 channel.  
 9 Q. What information, other than that which  
 10 appears on Exhibit 2, is obtained with respect to a  
 11 particular debt; for example, do you get hard copies of  
 12 any evidence of the debt?  
 13 A. You can request itemized bills from different  
 14 clients. Sometimes they're available; sometimes they're  
 15 not available.  
 16 Q. Under what circumstance would you request  
 17 that?  
 18 A. If the debtor requests it, usually would be  
 19 the only reason we would request something like that.  
 20 Q. And do you ever get information about payments  
 21 made by the debtor in connection with a particular  
 22 account?  
 23 A. We always get payment information -- any  
 24 payment that was received after the date of placement,

1 we always get that information.  
 2 Q. And when you're referring to "the date of  
 3 placement," are you referring to the date of placement  
 4 with the purchaser of the debt or the date of placement  
 5 with CCA?  
 6 A. With CCA.  
 7 Q. Do you get payment information about payments  
 8 made prior to the date of placement?  
 9 A. Sometimes you do; sometimes you don't.  
 10 Q. Under what circumstance would you?  
 11 A. It's dependent on the client on whether they  
 12 forward it or not.  
 13 Q. And would that information be entered then on  
 14 the computer?  
 15 A. It would.  
 16 Q. Okay. And do you know what field you would  
 17 have the information about any payment?  
 18 A. I don't.  
 19 Q. And how is it determined what debtors get  
 20 Exhibit A?  
 21 A. Exhibit A, it starts with the balance. So  
 22 they wouldn't do any type of a review on an account that  
 23 had a balance of less than \$50, or anything like that.  
 24 So they review the balance, the state

1 that it's in, the type of debt. Are we or are we not  
 2 going to have the Forwarding-Legal Department look at  
 3 this; yes or no?  
 4 So it's based on a couple of different  
 5 factors.  
 6 Q. So the same thing you testified earlier about  
 7 when the Forwarding-Legal Department looks at these  
 8 accounts?  
 9 A. Mm-hmm.  
 10 Q. All right. And Exhibit B, I believe you  
 11 testified, that that gets sent out if, in the process,  
 12 it's determined there are assets?  
 13 A. It doesn't mean it will definitely get sent  
 14 out. It could possibly be sent out, if they verify  
 15 assets. I mean there is the occasion where there are  
 16 assets verified and this notice may not go out.  
 17 Q. Is there a reason why the notice would not go  
 18 out even though assets are verified?  
 19 A. Sure. The account, you know, could be paid,  
 20 could be settled, be on hold, the client requests we  
 21 hold, the collector determines it's not necessary to  
 22 send that letter out. They might be able to contact the  
 23 person via phone or the person may be on a payment plan.  
 24 Q. But does the Statute of Limitations at all go

1 into the decision of whether Exhibit B is sent out?  
 2 A. I'm going to say no because you usually don't  
 3 collect on an out-of-statute account. If the account is  
 4 in a collector's row, it should be within the statute.  
 5 If it was out of statute, I would not  
 6 recommend sending the letter.  
 7 Q. Right.  
 8 A. Yeah.  
 9 Q. Okay. Now, you testified that, basically,  
 10 your evaluation of whether Statute of Limitations has  
 11 expired, is whether or not the debt is more than three  
 12 years old.  
 13 There are Statute of Limitations that are  
 14 less than three years, correct?  
 15 A. I would refer to my Legal Department on that  
 16 Q. And how would --  
 17 A. I'm sorry, Compliance Department; Susan  
 18 Giordano's department.  
 19 Q. And when would you raise that question?  
 20 MR. WIER: Object to form. What question?  
 21 BY MS. COMBS:  
 22 Q. I'm saying the question of -- let's assume  
 23 you've got the debt that's two and a half years old or  
 24 close to three years old, would you raise the question

1 of the Statute of Limitations at that point?

2 MR. WIER: Objection to form.

3 A. Possibly, that's awful close to a date, so  
4 that may possibly raise it, sure.

5 Q. But when you're evaluating a portfolio, what  
6 you're looking at, is it more than three years old; is  
7 that fair to say?

8 A. That's one of the guidelines that we use.

9 Q. Do you ever not collect on a debt because it's  
10 two years old?

11 A. Do we never not collect if it's under two  
12 years old? Of course we collect on it, if it's under  
13 two years old.

14 I don't think I'm understanding the  
15 question.

16 Q. Let me rephrase.

17 Would you ever change the mechanism for  
18 collecting a debt because the debt was two years old?

19 MR. WIER: Object to form. You can answer, if  
20 you can.

21 BY MS. COMBS:

22 Q. If you can.

23 A. I would say no.

24 Q. Do you know what Statute of Limitations was

1 used for calculating the Statute of Limitations on the  
2 Sprint PCS accounts?

3 A. We received it from the Compliance Department,  
4 so no.

5 Q. Have you ever received a note from the  
6 collections or any communications from the Compliance  
7 Department stating that the debts that you're collecting  
8 on, are getting close to the expiration of statute?

9 A. Have I ever received a note --

10 Q. Or --

11 A. -- just verbal communications.

12 Q. You have?

13 A. Sure.

14 Q. When is the last time that happened?

15 A. Oh, gosh. I don't remember.

16 Q. And normally, who would that come from?

17 A. Susan Giordano or Mianne Schall.

18 Q. Now, you said you wouldn't send out Exhibit B,  
19 if you knew that the Statute of Limitations had expired.

20 Would you send out Exhibit A, if you knew  
21 the Statute of Limitations was expired?

22 A. It's hard to say what you would or would not  
23 do because if we're going to do something like this,

24 it's going to go through the Legal-Forwarding Department

1 or go through the Compliance Department. If the Statute  
2 of Limitations had passed, no, we would not send out  
3 Exhibit A. I would not recommend it.

4 Q. And what is your understanding as to the  
5 current Statute of Limitations that CCA is using with  
6 respect to cellular phone debt in Texas?

7 MR. WIER: I'm going to object to form.

8 A. My Compliance Department told me it was four  
9 years.

10 Q. And when was that communicated to you?

11 A. I really don't remember the date.

12 Q. Approximately?

13 A. I don't recall.

14 Q. Was it in your former position?

15 A. Oh, yeah. Yes.

16 Q. Did you have any discussions with any lawyer,  
17 other than Mr. Wier here, about what the Statute of  
18 Limitations is for cellular phone debt in Texas?

19 A. No, I have not.

20 Q. Now, you just testified that it has been your  
21 experience that Susan Giordano has said that a certain  
22 portfolio -- the Statute of Limitations has expired.

23 How is that information conveyed to  
24 collectors?

1 MR. WIER: I'm going to object to form.

2 You're paraphrasing of what she said is not exactly  
3 what was said earlier. She didn't say expired.  
4 She said about to expire.

5 BY MS. COMBS:

6 Q. Okay. And again, in that circumstance, how  
7 would you convey that information to collectors?

8 MR. WIER: Do you remember that line of  
9 questioning from before?

10 A. On this particular situation or on any  
11 situation?

12 Q. The hypothetical situation that we talked  
13 about where you recall that Susan Giordano said the  
14 Statute of Limitations is close to expiring on these  
15 debts.

16 How would you convey that information to  
17 the collectors?

18 A. Our collectors should not be working on  
19 out-of-statute accounts. If we identified a portfolio  
20 as being out of statute, we would probably separate that  
21 out, and give it to a separate team.

22 But again, it's hard to say what you  
23 would do if a situation actually occurred.

24 Q. And do you recall ever doing that?

1 A. No, because I think the first time it's come  
2 up, was this. Yes, I guess that's my answer. We would  
3 put the accounts on hold, which is what happened in this  
4 case.

5 If you look at the notes, you'll see the  
6 account, when it was conveyed. The accounts were put on  
7 hold until we figured it out. It was put into 3600 --

8 Q. So you're referring to Exhibit 2?

9 A. Yes.

10 Q. And is that the 3600, the very last entry on  
11 page --

12 A. Right.

13 Q. -- nine?

14 A. Yes.

15 Q. "3600 cease communication"?

16 A. Right. I mean there's many different ways to  
17 communicate. You can communicate your disposition, your  
18 training seminar, a written document.

19 MS. COMBS: I'm going to take a quick break  
20 and just check things out; okay?

21 MR. WIER: Sure.

22 (Short Recess)

23 MS. COMBS: Okay. Back on the record.

24 BY MS. COMBS:

1 Q. When we reviewed your various job titles in  
2 CCA, you mentioned that some of your responsibilities --  
3 or several of your jobs via assistant collector, the  
4 collection manager, that one of your responsibilities  
5 was making sure that collectors comply with all state  
6 and federal law?

7 A. Yes.

8 Q. Specifically, was it a part of any of your  
9 responsibilities to make sure that collectors were not  
10 pursuing or sending into litigation -- strike that. Let  
11 me start over.

12 As part of the state and federal law that  
13 you were making sure that collectors complied with, was  
14 the issue of Statue of Limitations something you  
15 considered or felt responsible for enforcing?

16 A. It would be, yes, but the type of debt and the  
17 age of the debt that we were collecting on -- or that we  
18 collected on didn't come into play.

19 Q. And about what portion of the debt during  
20 2007, 2008 involved debts that were over two years?

21 A. Oh, gosh --

22 Q. If you could give me an estimate?

23 MR. WIER: Object to form, but you can answer.

24 A. I would say it's got to be single digits,

1 under nine percent -- under five percent.

2 Q. That were older than two years?

3 A. That's, I would say, yeah. That's an  
4 estimate.

5 MS. COMBS: All right. I have no further  
6 questions.

7 MR. WIER: We'll reserve ours until the time  
8 of trial.

9 MS. COMBS: Thank you very much.  
10 (Deposition concluded at 3:40 p.m.)

1 C E R T I F I C A T E

2 COMMONWEALTH OF MASSACHUSETTS )

3 )

4 COUNTY OF PLYMOUTH )

5 I, Rosemary F. Grogan, a Registered  
6 Professional Reporter and Notary Public duly  
7 commissioned and qualified in and for the Commonwealth  
8 of Massachusetts, do hereby certify:

9 That CANDICE O'BRIEN, the witness whose  
10 deposition is hereinbefore set forth, was duly  
11 identified and sworn by me, and that the foregoing  
12 transcript is a true record of the testimony given by  
13 such witness to the best of my ability.

14 I further certify that I am not related to any  
15 of the parties in this matter by blood or marriage, and  
16 that I am in no way interested in the outcome of this  
17 matter.

18 IN WITNESS WHEREOF, I have hereunto set my  
19 hand and affixed my notarial seal this 28th day of May,  
20 2009.

21 \_\_\_\_\_  
22 Rosemary F. Grogan, RPR  
23 CSR No. 112993  
24 My Commission Expires: January 7, 2011

1 ERRATA SHEET DISTRIBUTION INFORMATION  
 2 DEPONENT'S ERRATA & SIGNATURE INSTRUCTIONS

3  
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5 The original of the Errata Sheet has  
 6 been delivered to Keith Wier, Esquire.  
 7 When the Errata Sheet has been completed by  
 8 the deponent and signed, a copy thereof should  
 9 be delivered to each party of record and the  
 10 Original forwarded to Cathleen Combs,  
 11 Esquire, to whom the original deposition  
 12 transcript was delivered.

13  
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 24

1 SIGNATURE / ERRATA SHEET

2 Re: Castro Vs. Collecto, Inc., et al.

3 DEPOSITION OF: Candice O'Brien 5/26/09

4 I, CANDICE O'BRIEN, do hereby certify that I  
 5 have read the foregoing transcript of my testimony, and  
 6 I further certify that said transcript it is a true and  
 7 accurate record of said testimony (with the exception of  
 8 the corrections that are noted below).

9 PAGE LINE(S) READS SHOULD READ

10 \_\_\_\_\_  
 11 \_\_\_\_\_  
 12 \_\_\_\_\_  
 13 \_\_\_\_\_  
 14 \_\_\_\_\_  
 15 \_\_\_\_\_  
 16 \_\_\_\_\_

17 Signed under the pains and penalties of  
 18 perjury this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

19 \_\_\_\_\_

20 CANDICE O'BRIEN Date

21 Subscribed and sworn to before me this \_\_\_\_ day  
 22 of \_\_\_\_\_, 2009.

23 \_\_\_\_\_

24 Notary Public My Commission Expires: \_\_\_\_\_



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